

APPROVED: Meeting No. 39-90

ATTEST: *Sharon A. Gran*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 38-90

September 24, 1990

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on September 24, 1990, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Viola D. Hovsepian

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: Assistant City Manager Rick Kuckkahn, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. This past weekend's Oktoberfest was an enormous success with attendance exceeding expectations. This year's sponsors were the Montgomery County Special Olympics and the Express Newspapers, and proceeds from the event go to support the Special Olympics.

2. The Rockville Chamber of Commerce Ball held this past weekend was highlighted by the introduction of the Man of the Year, Ralph DeLisa. We congratulate Ralph and thank the Chamber for their efforts on the City's behalf.

3. Sandra Crewe has notified us that the Rockville Housing Authority has received approval of their application for a \$100,000 drug elimination grant. The notification from HUD was transmitted through Congresswoman Morella's office.

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4. The Community Action Team of East Rockville (CAT) sponsored a very successful fundraiser on September 15, and pass along their appreciation for the continued support of the Mayor and Council and the City departments involved.

5. On Monday, October 1, there will be a meeting of civic association presidents and boards and commissions chairpersons. A draft agenda for the meeting will appear in this week's FYI.

Re: Proclamation declaring
September 15-October 15, 1990,
as "Rockville Hispanic Heritage
Month."

Proclamation No. 25-90

By a unanimous vote of the Mayor and Council, September 15-October 15, 1990, was declared "Rockville Hispanic Heritage Month." Councilmember Coyle read the Proclamation, the full text of which can be found in Proclamation File No. 5 of the Mayor and Council. Silvio Imas, President, and other members of Hispanics United for Rockville, accepted the Proclamation.

Re: Proclamation declaring October
6, 1990, as "German-American
Day."

Proclamation No. 26-90

By a unanimous vote of the Mayor and Council, October 6, 1990, was declared "German-American Day" in Rockville. Councilmember Hovsepian read the Proclamation, the full text of which can be found in Proclamation File No. 5 of the Mayor and Council. Leah Barnett of the Rockville Sister City Corporation and Alex Eck, this year's Pinneberg exchange student, accepted the Proclamation.

Re: Proclamation declaring the
week of October 1-7, 1990, as
"Physical Therapy Week."

Proclamation No. 27-90

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By a unanimous vote of the Mayor and Council, the week of October 1-7, 1990, was declared "Physical Therapy Week" in Rockville. Councilmember Robbins read the Proclamation, the full text of which can be found in Proclamation File No. 5 of the Mayor and Council. Anita Litten, PT, of the American Physical Therapy Association of Maryland, Inc. accepted the Proclamation.

Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Students from Richard Montgomery High School SHOP (Students Helping Other People) advised the Mayor and Council that they had held a car wash, the proceeds of which they were donating to Boarder Babies. Lynn Gartenhaus, co-founder of Boarder Babies, was presented with the proceeds check in the amount of \$250.

2. Leonard Novick, 4 Hollyberry Court, referenced the dog attack in North Farm on September 15. He indicated that the Animal Control Board should not allow these dogs to be returned to their neighborhood and should order the animals destroyed. He requested that the Mayor and Council take action to amend the City's ordinances, in particular to ban Rottweilers, pit bulls and other vicious dogs.

Mayor Duncan responded that a worksession will be held with the Animal Control Board on October 8, to discuss how the current laws should be amended. One issue to be discussed is the possible banning of Rottweilers. Mayor Duncan further indicated that the dogs should not have been returned to the owners following the incident, and that the City has taken action to ensure that this situation does not happen again.

Councilmember Coyle stated that he hoped City residents would appear at the Animal Control Board hearing on October 2, to express their views regarding this matter. He further noted the difficulty in defining "attack" dogs versus pets.

Mayor Duncan referenced the criticism of the Animal Control Board's action to continue the hearing from September 18 to October 2, and indicated that they were careful to follow procedures so that the owners would have no grounds for appeal on procedural matters.

Councilmember Marrinan referenced the September 22 editorial in The Washington Post, setting forth the fact that incidents of this type are a growing public health hazard. He noted the need to address this from a public policy standpoint.

3. William Meyer, 804 Leverton Road, referenced Items A and B on the Consent Agenda regarding contributions for off-site storm water management. He inquired as to why the City is accepting a contribution for off-site SWM for an existing SWM facility less than 300 feet away. Mr. Meyer was advised that these monies will be used for maintenance of the current facility.

Regarding Item B, Mr. Meyer was advised that there is adequate capacity just 100 feet away from the site to handle the runoff. Mr. Meyer stated that the City needs to address the policy of accepting contributions for off-site SWM. Councilmember Coyle indicated that the Mayor and Council need to have a worksession on this matter.

4. Rupert Curry, 13 Welwyn Way, voiced concern with the new traffic light at Falls Road and Argyle Street and resulting traffic patterns, noting that it is now a more dangerous intersection. He requested that additional thought be given to the traffic signal, and Mayor Duncan responded that the City would review this in more detail.

Regarding the ordinance to amend the sign regulations (Item E on the Consent Agenda), Mr. Curry was advised that discussion and instructions to staff would be an agenda item for the October 8 meeting which is the appropriate time to comment on this ordinance.

5. Jean Collin, 4 Dairyfield Court, asked if citizens would have the opportunity for input at the October 8 worksession with the Animal Control Board. Mayor

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Duncan responded that the worksession would be a time for the Mayor and Council to discuss revision of the law with the Animal Control Board, and any recommendations for changes emanating from the meeting would be made available for citizen input as quickly as possible prior to adoption. Ms. Collin was also advised that City staff is reviewing the animal control laws of other jurisdictions.

Re: Appointments

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the following individuals were appointed to three-year terms on the Landlord-Tenant Affairs Commission:

Marsha Meadows (Tenant Alternate to Tenant Member)

Donald Wallesz (At-large Alternate to At-large Member)

Marylin Pierre (Tenant Alternate)

Re: Approval of Minutes

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the minutes of Meeting No. 34-90 (September 10, 1990) were approved, as amended.

Upon motion of Councilmember Hovsepian, duly seconded, with Councilmember Robbins abstaining, the minutes of Meeting No. 35-90 (September 17, 1990) were approved, as written.

Re: Consent Agenda

Councilmember Robbins requested that Item D be removed from the Consent Agenda. Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- A. Approval of waiver for on-site Storm Water Management for the storage facility at 14466 Rothgeb Drive (Redgate Golf Course) in the Rock Creek drainage area, and acceptance of a \$3,600 contribution for the off-site SWM fund.

Owner/developer, City of Rockville Department of Recreation and Parks, requests off-site SWM in an existing SWM facility less than 300 feet away.

- B. Approval of waiver for on-site Storm Water Management for the Christ Episcopal Church driveway and parking area in the Cabin John drainage area, and acceptance of a \$3,680 contribution for the off-site SWM fund.

Owner/developer, Christ Episcopal Church, has proposed constructing a driveway and additional parking on their property at 107 South Washington Street.

- C. Approval of agreement and contract with Asplundh Tree Expert Company for maintenance of City street lights.

This multi-year agreement would take advantage of our cooperative procurement procedures, piggybacking onto Montgomery County Contract #05730. The agreement would extend through May 17, 1994, the same expiration date as the County contract. A maximum of \$250,000 would be expended over the agreement period of nearly four years, averaging slightly over \$60,000 in each fiscal year and within our present budget.

- E. Introduction of Ordinance to adopt Text Amendment Application T-99-89, Mayor and Council of Rockville, Applicant.

Various amendments to the Sign Requirements section of the Zoning Ordinance.

- F. Introduction of Ordinance to amend Chapter 1 of the Rockville City Code so as to permit Chapter 10B, entitled "Common Ownership Communities" of the Montgomery County Code to apply within the City of Rockville.

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On January 1, 1991, a new County law will become effective which provides for the creation of a Commission on Common Ownership Communities.

Re: Submission of financial reports summarizing the results of City operations for the period of July 1 through August 31, 1990.

Councilmember Robbins indicated that he had asked to have this item (D) removed from the Consent Agenda to inquire as to whether there are any discernible trends in terms of revenues or expenditures. The Assistant City Manager responded that the revenues and expenditures are basically running on target and that the Mayor and Council would be immediately advised should any potential problem areas be identified.

Re: Adoption of Ordinance to allow minor modifications to existing permit parking areas to be made by the City Manager.

Ordinance No. 30-90

Mayor Duncan noted that this ordinance was the result of a Mayor and Council request to facilitate the addition or deletion of residences of permit parking areas. This proposed ordinance would eliminate the need for Mayor and Council action on minor permit parking area modifications. Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Ordinance No. 30-90, the full text of which can be found in Ordinance Book No. 16 of the Mayor and Council, was adopted to allow minor modifications to existing permit parking areas to be made by the City Manager.

Re: Review of JHK & Associates Report on Closing Courthouse Square to Through Traffic.

Staff advised that this report provides a third-party view of the through traffic situation at Courthouse Square. In reviewing JHK & Associates data, the closure of through traffic to Courthouse Square appears to be a viable solution. The decision

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would not have a deleterious effect on traffic and would promote pedestrian safety.

Mayor Duncan asked for specific plans. He referenced a letter from Joe Lynott, attorney for C.M. Whalen, regarding the proposed closing of Courthouse Square setting forth suggestions for improvements in the area. Mayor Duncan requested that the City's architects meet with Mr. Whalen's to review these suggestions.

Staff noted that they are looking at next year for bidding and installation so that the construction work would not be an interruption to events in Courthouse Square. Councilmember Hovsepian asked if the closure could be achieved without the attendant construction. Staff will review this. Councilmember Hovsepian also noted the need to provide loading and unloading for 30 and 32 Courthouse Square which should be included in the plans. Councilmember Coyle commented on the potential safety hazard to pedestrians while construction is taking place.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Mayor and Council approved the closure of Courthouse Square to through traffic with the understanding that staff will review the letter from Mr. Lynott to see how the suggested improvements can be incorporated into the City's plans. The final plans are to be presented to the Mayor and Council along with a memorandum explaining why the work cannot be completed this fiscal year.

Re: FYI/Correspondence

Falls Road Right-Turn Signal

Mayor Duncan noted that concerns are still being expressed regarding this item and asked if the State is doing a walk-through. Staff responded that there is a completed status report available and that the New Mark Commons Home Association has scheduled a meeting with the State Highway Administration to which the City's Traffic Engineer has been invited.

Comments from Roald Schrack re Proposed Executive Regulation 31-90

Councilmember Hovsepian asked if the City should be taking a position in this

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matter. Mayor Duncan requested that staff prepare a draft letter to the County setting forth the City's position paralleling Mr. Schrack's suggestions.

Letter from St. Paul, Minnesota re F. Scott Fitzgerald Commemoration

Mayor Duncan inquired as to the status of the program to commemorate F. Scott Fitzgerald and suggested that Professor Matthew Brucolli be invited to participate since he was involved in the ceremony when the original gravesite was relocated.

Adopt-a-Highway Signs

Councilmember Robbins asked what the State's procedures are vis-a-vis placing "adopt-a-highway" signs in rights-of-way. Staff responded that they are taking a comprehensive look at the whole issue and will be developing a City policy. Councilmember Robbins also commented that a problem is public understanding of the "adopt-a-highway" program itself.

Re: New Business

Councilmember Marrinan stated that he had attended the COG Board of Directors meeting the previous week at which they voted to create a regional public-private partnership to address needs of affordable housing. The growing demand for affordable housing has become a major problem in the metropolitan Washington area. He noted that this can be a valuable resource tool for all jurisdictions and encouraged City staff to work with the partnership as it becomes established over the next few months.

Councilmember Coyle noted the continuing concern of speed and traffic accidents on Watts Branch Parkway and the fact that many residents are not aware of the existence of the Watts Branch Advisory Committee. Staff was requested to notify residents.

Regarding parking at Middle Lane, Councilmember Coyle noted that many permit parking holders have expressed concern as to what happens to their cars if they have not returned by 6:00 p.m. or 6:30 p.m., and if they are in danger of being towed. Staff

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responded that this is not a problem as there is unlimited parking after 6:00 p.m. and the only time the lot would be cleared is between 4:00 and 5:30 a.m.

Councilmember Coyle requested that the City proclaim the week of October 7 as Fire Prevention Week. It was agreed that a proclamation would be prepared for the meeting of October 8. Councilmember Coyle also inquired as to the status of the Sprinkler Retrofitting Task Force, noting that it was time to form the committee. Mayor Duncan asked that information on the formation of the Task Force be provided to him.

Re: Executive Session

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Mayor and Council convened in Executive Session at 8:40 p.m. to consult with legal counsel.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 10:15 p.m., to convene again in General Session at 7:30 p.m. on October 8, 1990, or at the call of the Mayor.